

## **Zoning Reform Group**

### **Subcommittee on Institutions, Public Use, and Open Space**

The subcommittee held one meeting (which continued into the following week) with Howard Levine and Jennifer Molinsky attending. (Peter Kilborn has been out of town.)

#### Observations and Recommendations

##### 1. Institutions

As the *Comprehensive Plan* states, almost 20% of the City's land is owned by educational, religious, non-profit, and government institutions. The *Plan's* goals for institutional land uses state that future land uses should reflect "a shared understanding of the community of interests that exists among the City's institutions and the City itself," a shared exchange of planning information and intentions, and accommodation of changes over time in ways that respond to both the institutions and communities in which they exist. (p. 3-9).

The *Plan* calls for a revision of zoning for institutions given special standing by the Dover amendment, including setting out review criteria, considering performance criteria, and improving the review process and encouraging a spirit of cooperation (p. 3-10). In addition, the *Plan* calls for a process for discussing institutions' long-term plans, such as through comprehensive neighborhood or village plans.

The subcommittee discussion centered on two issues. First, we examined the ways in which the current zoning for institutions does/does not conform to the principles found on the matrix, notably predictability, flexibility, internal consistency, furthers goals of the *Plan*, ease of use, and produces desired results. Second, we discussed planning processes for institutions, using the examples of two neighboring communities and keeping in mind the *Comprehensive Plan's* call for an improved review process, increased flow of information, and greater cooperation.

*Existing Zoning.* There are several issues with current zoning for institutions:

- Parking regulations do not work well and result in "double-counting;" a shared parking regulation should be considered in its place.
- The Dover amendment gives institutions more leeway by stating that dimensional standards of bulk, height, and setbacks, and parking must be "reasonable" to a particular institution. The Commissioner of Inspectional Services often must rule on what is "reasonable," resulting in decisions that may be seen as ad hoc, decreasing predictability for institutions and neighborhoods alike.
- For institutions not willing to seek a special permit, the standards in Table 2 may stifle creativity, resulting in sub-optimal design or site planning.

*Planning Process.* Cambridge and Boston both require institutions to engage their cities early in their planning processes. In Cambridge, educational institutions must prepare an annual Town-Gown report that describes in detail their numbers of students and employees, modes of transportation for commuters, transportation management programs, campus building plans, etc. The report is presented to the Planning Board, giving the Board and community a context for and a good sense of projects that are likely to come before the Board in the next few years.

In Boston, the Institutional Master Planning Process requires hospitals and educational institutions to have a master plan approved by the BRA. After the BRA approves a plan, the institution may build the specific projects enumerated within it. Plans must be periodically reviewed and updated. Plans may present proposals that are not consistent with existing zoning that the public and BRA would then consider in the review process.

Requiring a master plan or town-gown report allows a comprehensive and early look at an institution's expansion plans. Rather than seeing smaller, incremental projects as they come for special permit, the City, neighborhoods, and institutions can all benefit from an increased flow of information earlier in the process. The subcommittee suggests that one recommendation of the Zoning Reform Group would be to examine the examples of Boston and Cambridge for their applicability to Newton, including the relative merits of requiring an approved plan (as in Boston) and how the Zoning Ordinance might be revised in light of such a master planning process.

## 2. Public Use

The subcommittee sees no major problems with this part of the zoning code. One issue that has arisen, however, is how to address mixed-use projects containing public uses (such as a municipal parking garage) with commercial uses when public uses do not have dimensional standards but commercial uses do.

## 3. Open Space

The *Comprehensive Plan* discusses open space, recreation, and natural resources in chapters 7 and 8. In these chapters, the Plan presents some goals and strategies that are related to zoning. The subcommittee recommends that these items (found on pp. 7-6 to 7-7) be considered:

- Consider allowing increased density in return for increased open space, and encourage inclusion of open space in new developments, particularly in under-served areas of the City. To consider: function of open space (active recreation, protection of resources, etc.), how much of a bonus.
- Consider the *Comprehensive Plan's* goal to "Restrict use of municipally owned space for building or parking except as accessory to conservation or recreation use or if such use is essential, compensatory open space"- Does this make sense on all municipally-owned land, such as that in village centers?
- Other recommendations from the *Plan*:
  - "Critically review Newton's guidelines for Cluster Zoning in addition to its guidelines for traditional subdivisions to better conform to these intentions"
  - "Explore an array of techniques for the protection of large parcels and the acquisition of small parcels, including....use of zoning mechanisms; use of procedures linking land development with open space plan considerations as part of the permitting process"

Regarding natural resources, the Zoning Ordinance requires that projects over 20,000 sq. ft. show a significant contribution to the efficient use and conservation of natural resources and energy (see 30-24(g)). The Department has been considering how this portion of the code might be made more quantitative, such as by requiring LEED certification (there are legal issues to consider, since the Zoning Code cannot regulate what is in the purview of the State Building Code).